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Seok-Hun Lim

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EXAMINER

MUHEBBULLAH, SAJEDA

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SEOK-HUN LIM

Appeal 2009-010307
Application 10/757,911¹
Technology Center 2100

Before JOSEPH L. DIXON, CAROLYN D. THOMAS, and
DEBRA K. STPEHENS, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL²

¹ Application filed January 14, 2004. The real party in interest is Samsung Electronics Co., Ltd.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-6, which are all the claims pending in the application. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

The present invention relates to a method for changing the setting of a user menu option in a mobile terminal. (Spec., 1, ll. 12-13.)

Claim 1 is illustrative:

1. A method of changing the setting of user menu options in a mobile terminal, the user setting menu options being menu options which a user can set, comprising the steps of:

registering the user setting menu options selected by the user from among menu options available in the mobile terminal as setting categories in connection with set values selected by the user in a scheduling setting group;

setting a scheduling timer to a timing value for changing the settings of selected user setting menu options;

activating the scheduling timer when a scheduling setting mode is set; and

changing the user setting menu options to the set values of the setting categories upon expiration of the timing value of the scheduling timer.

Appellant appeals the following rejection:

Claims 1-6 under 35 U.S.C. § 102(e) as anticipated by Andrew (US 6,990,333 B2, Jan. 24, 2006).

FACTUAL FINDINGS

Specification

1a. Appellant's Specification discloses that "when the user selects a Setting Group Registration menu using the keypad 108, the MPU 100 displays the Setting Group Registration menu on the display 110 in step 200 and awaits selection of a menu option in step 202. (Spec., 5, ll. 23-26.)

1b. In Appellant's Specification, "[f]or example, the user selects user setting menu options the settings of which he wants to change while at home on Holidays, and registers them in connection with their setting values in a scheduling setting group with an ID of 1." (Spec., 7, ll. 25-28.)

Andrew

2. Andrew discloses:

In one embodiment, the mobile device includes a user interface option that is utilized to select the timed profile. . . . The user is able [to] select from a list of possible timed profiles for the mobile device from the 'Timed Profiles' menu. . . . Selecting one of the profiles results in a number of user interface changes for the mobile device for a selectable period.

(Col. 4, ll. 26-36.)

ANALYSIS

Appellant argues claims 1-6 as a group (App. Br. 3-7). For claims 2-6, Appellant essentially repeats the same argument made for claim 1. We will, therefore, treat claims 2-6 as standing or falling with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii). *See also In re Young*, 927 F.2d 588, 590 (Fed. Cir. 1991).

Issue: Did the Examiner err in finding that Andrew discloses “registering the user setting menu options selected by the user . . . as setting categories in connection with set values,” as set forth in claim 1?

Appellant argues that “the present application discloses both a registration step and a selection step, while Andrew et al. only discloses a selection step.” Specifically, Appellant contends that “Andrew et al. does not teach or disclose registering the user setting menu option,” as set forth in claim 1 (App. Br. 4).

The Examiner found that “Andrew clearly discloses a step of registering wherein a user may choose settings and register them in a profile/group. . . . This is no different from App[ellant’s] registration step in the Specification on page 7, line 25 - page 8, line[] 4.” (Ans. 5-6.) We agree with the Examiner.

We refer to, rely on, and adopt the Examiner’s findings and conclusions set forth in the Answer. Our discussions here will be limited to the following points of emphasis.

Specifically, Appellant contends that Andrew merely discloses “selecting” but does not disclose “registering” the user options (App. Br. 4). However, Appellant has failed to show how the claimed “registering” is distinguishable from Andrew’s selecting function.

For example, Appellant’s Specification discloses that a “Registration menu” is displayed whereby a user can *select* a menu option (FF 1a). In Appellant’s Specification, the user selects options he/she wants to change

and *registers* them in connection with their setting values (FF 1b; *see* also Appellant's Fig. 3). However, Appellant has not shown, nor can we readily find, in Appellant's Specification what the "registering" step necessarily entails. Appellant merely gives an example of registering options with setting values in a scheduling setting group with an ID (FF 1b).

Although giving claims their broadest reasonable interpretation must take into account any definitions given in the Specification, *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997), it is improper to read into the claims limitations from examples given in the Specification. *In re Zletz*, 893 F.2d 319, 321-22 (Fed. Cir. 1989). During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted). Given that no such definitions are identified by Appellant or readily found in the Specification, we shall adopt the ordinary and usual meaning of "registering" which simply means to record or to indicate. *Merriam-Webster's Collegiate Dictionary*, p.992 (9th Edition 1990). In other words, Appellant's claimed "registering" step is consistent with a selecting and/or an indicating step.

Similarly, Andrew discloses a user interface option that allows a user to select from a list of timed profiles which results in a number of possible user interface changes (FF 2). In other words, Andrew allows a user to indicate/select changes to the mobile device's default settings. The

Examiner concluded that there was no difference between the claimed “registering” and Andrew’s user interface with selectable timed profiles (Ans. 5-6). For at least the reasons noted *supra*, we agree.

Therefore, based on the record before us, we find that the Examiner did not err in rejecting representative claim 1. Accordingly, we affirm the rejection of claim 1, as well as claims 2-6 which fall therewith.

DECISION

We affirm the Examiner’s § 102(e) rejection.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED

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